

REMARKS

Claims 1 - 14 remain in the application.

Claim 7 has been amended as to form and not as to scope.

Claims 2 and 8 have been rewritten in independent form to include all limitations of the base claim 1, and any intervening claims. Claims 2, 3, 8 and 9 should therefore be allowable.

OBJECTIONS:

Two miss-spellings in the specification have been corrected.

A miss-stated reference in claim 7 has been corrected.

REJECTION 102:

1. Claims 1, 4, 7 and 10 were rejected under 35 USC 102(b) as anticipated by Strauss US 4,208,614

The claim is for a support. It is convenient to view the support seen as item 100 in FIG. 3.

Strauss '614 shows an HID lamp mechanically mounted in a support frame (16, 19, 20). The lamp is electrically connected at the top end, firstly through strap 20, thermal switch 27, 29, wire 23 and lead 24. It is secondly electrically connected through lead 31, filament 30 and lead 24. In operation, current first flows through the filament 30 during ignition. Once lit, heat from the lamp closes thermal switch 27, 29, bypassing the filament 30. If the lamp breaks, thermal switch 27, 29 opens and filament 30 burns through once exposed to oxygen. The "end of life" element are then both thermal switch (27, 29) and filament 30. If either persists in operation after breakage, end of life does not occur.

Strauss '614 fails to provide a prima facie case of invalidity under 35 USC 102, since Strauss '614 fails to show, suggest, state or claim a limitation included in applicants' claims. Strauss '614 fails to teach: *"a third portion electrically connectable to said first electrical conductor and to said end-of-life device, and joining said first portion and said second portion, a section of said third portion being removable to separate, and form a gap between, said second portion and said third portion."*

The claim first requires, *"a first portion mechanically connectable to said lamp capsule."* This feature is not met as suggested in the Office Action by conductor 16 alone.

Conductor 16 makes no mechanical connection to the capsule 21. The combination of 16 and 20 may be used, and is the only suggested mechanical coupling for the lamp capsule.

The claim next requires, "*a second portion electrically connectable to said first lead wire and to said end-of-life device;*" Since the EOL device comprises both switch 27, 29 and filament 30, the second portion must be wire 23 and lead 24 as they are the only elements that electrically connect to the EOL device. The EOL device cannot be arbitrarily segmented. (The other electrical connection to the EOL device is strap 20, and conductors 16, and 31, which mixes the identities of the first and second portions making such a claim interpretation unparseable. Such a reading is therefore unsupportable.)

The claim then requires "*a third portion electrically connectable to said first electrical conductor and to said end-of-life device;*

The first conductor is item 16. For 16 to connect to the EOL, this third portion must be both strap 20 and lead 31 and the connecting a section of lead 16. Note that this reading absorbs what has been defined as the "first portion" leading to indistinguishable pieces, and obscured logic. The reading suggested in the Office Action is now defective, but let's try to continue.

The third portion further requires: "*joining said first portion (here 16, 20) and said second portion (here 23, 24)*". There is no such coupling in Strauss between the first portion and the second portion. Since this claimed feature is not shown, there is no prima facie basis for the rejection under 102 and the rejection must be withdrawn.

The claim further requires that the third portion have "*a section of said third portion being removable to separate, and form a gap between, said second portion (here 23, 24) and said third portion (here 20, 31 and joining portion of 16).*" One can see that sections of the "third portion" (20, 31, 16) whose definition is now forced on us can be removed to leave gaps between the second and third portion. First, in the reference, two removable sections are needed to create the two gaps necessary to separate the second and third portions. The claim only specifies that one, a removable section is needed. Since this claimed feature is not shown, there is no prima facie basis for the rejection under 102 and the rejection must be withdrawn.

Unfortunately, removing any portion of the third portion (20, 31, and 16) to form a gap between the second portion 23, 24) will divide the electrical connection to either the switch of the filament defeating the purpose of the structure. Such a removable section is not shown or implied in any workable reading of the reference. Since this claimed feature third portion is not shown in whole or in part, there is no prima facie basis for the rejection under 102 and the rejection must be withdrawn.

The Office Action states "The 'section of third portion being removable to separate and form a gap' does not constitute a limitation in any patentable sense." The Examiner's attention is drawn to any number of patented food and dispensing packages where a removable element, is subsequently detached, forming a gap through which access is thereafter provided. Here the support is useful during assembly of the lamp, a removal of the connector thereafter allows final, proper operation. It is believed that in context, and as specified the removable portion does properly constitute a patentable limitation.

REJECTION 103:

2. Claims 5, 6, 11, 12 and 14 were rejected under 35 USC 103 over Strauss US 4,208,614

The rejection of Claims 5, 6, 11, 12 and 14 as being unpatentable under 35 U.S.C. 103 as being obvious over the combination of Strauss '614 is respectfully traversed and reconsideration thereof is requested.

The detailed discussion presented regarding the rejection under 102 indicates that Strauss '614 does not substantially present the claimed invention. Strauss '614 fails to define an assembly support from which a portion is removable. Strauss '614 therefore never addresses the problem of whether the lead coupling interferes with the removable section, or the end of life device coupling. While the present design is simple, Strauss '614 does not show teach or suggest how to make the two electrical connections in combination with the removable portion. Clearly one would not want the removal procedure to interfere or damage with the electrical couplings, or the EOL device. The Applicant teaches a solution to that problem, but Strauss '614 does not. Strauss '614 never has the problem to consider. Strauss '614 cannot make obvious a solution to a problem he never addresses.

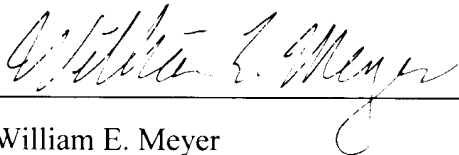
The Office Action refers to a legal holding that is not cited. No response can be made to its appropriateness. Regardless, prior assembly steps never included the supposed "necessary step" of removing a portion of the support structure. Prior assembly steps required the last step to be the installation of the relatively fragile EOL device, otherwise it would be damaged in joining the relatively massive lamp capsule and support frames. Imagine trying to align and lock the large pieces together if the filament 30 had been stalled first. As a result of the Applicant's invention the order of assembly can be changed, with the fragile EOL device preloaded on the support followed by the latter removal of the segment 106'.

3. Claim 13 was rejected under 35 USC 103 over Strauss US 4,208,614 in view of admitted prior art.

The detailed discussion presented regarding the rejection under 102 indicates that Strauss '614 does not present the claimed invention. Strauss '614 fails to show teach or suggest a support having the third portion electrically and mechanically coupled to a tungsten halogen lamp as claimed. Strauss '614 fails define an lamp support from which a portion is removable which enables simplified initial assembly followed by final product enablement by the removal step. The remaining references fail to teach a tungsten halogen lamp with a safety device, and certainly not one with the combined support and safety device as claimed by the Applicant. None of the references suggest a support device that enables rapid and accurate assembly of a lamp with a safety device. Rather they disclose lamp assemblies that are hand assembled requiring care and limit the order of assembly. The rejection of claim 13 as being unpatentable under 35 U.S.C. 103 as being obvious over the combination of Strauss '614 and admitted prior art is respectfully traversed and reconsideration thereof is requested.

It is believed that a full and complete response to the Office Action has been made, that the Application as amended is patentably distinct over the cited art, and that the case is now in condition to be passed to issue. Reconsideration of the amended application is therefore requested, and an early favorable notice of allowance is courteously solicited.

Respectfully submitted,

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